



Frequently Asked Questions on Manhaj : Part 14

Introduction

All Praise is due to Allaah, we praise Him, seek His aid and His Forgiveness. We seek refuge in Allaah from the evils of our souls and the evils of our actions. Whomsoever Allaah guides there is none to misguide and whomsoever Allaah misguides there is none to guide. I bear witness that there is none worthy of worship except Allaah, alone, without any partners and I bear witness that Muhammad is His servant and messenger.

This is a summarisation of some of the issues of manhaj that have been subject to contention in the current times. The detailed answers and proofs on all the issues addressed in this series can be found on the articles at Wwww.SalafiPublications.Com that are related to these matters. This series is aimed at quickly identifying the issues in a brief, yet concise manner, for the benefit of those who may be unaware of these affairs.

Question 18: Concerning ruling by other than what Allaah has revealed, what are the various viewpoints on this issue and how are we to understand the confusion in this regard?

This is a lengthy answer and requires detailed treatment of each of the associated issues. Nevertheless, an attempt will be made to summarise everything so that a sufficient overview can be provided.

ONE: The issue of ruling by other than what Allaah has revealed encompasses all individuals, the ruler and the ruled, the husband and the wife, the judge and the judged and so on. Confining this affair to the rulers alone is one of the innovations of the Khawarij of our times, and this why you see the clear manifestation that these Innovators will show allegiance and loyalty to those who judge by what Allaah has revealed pertaining to rulership and the social affairs, but not in other affairs (Tawheed, Ibaadah, Ittibaa) and showing disownment and making takfir of those who judge by what Allaah has revealed in the affairs of Tawheed, Ibaadah, 'Ittibaa' and the likes, but who do not judge by all of what Allaah has revealed in the affairs of rulership and social dealings. And indeed, this in itself is sufficient to expose the scandal of the Khaarijiyyah Asriyyah.

TWO: All of the actions that have been labelled as kufr in the texts of the Book and the Sunnah, fall into the following categories.

- a) Those that are unequivocally major kufr that expels from the religion (such as kicking the Qur'aan, cursing the Messenger (sallallaahu alaihi wasallam) and other such affairs), and which after the conditions have been met and barriers removed, the judgement of takfir is pronounced. It is not required for these acts that they be

accompanied with istihlaal or juhood or associated beliefs in order to pass the judgement of takfir. Rather, it is merely sufficient that the conditions for takfir are met and the barriers removed. These acts are such that they cannot occur on the limbs, except with the passing away of Imaan in its totality. Hence, they are considered to represent kufr both internally and externally.

- b) Those that are unequivocally the minor kufr that does not expel from the religion (such as the major sins, like drinking, fornicating, taking usury and so on). These acts do not warrant the judgement of takfir, unless they are clearly accompanied with istihlaal (making them lawful, as a matter of belief), juhood (wilful rejection of them), takdheeb (denial, rejection) and the likes. If these associated conditions are found, then following the guidelines of takfir of an individual, takfir is made. In the absence of these conditions, then these acts remain as sins and disobedience, with some of them being more severe than others.
- c) Those that are differed upon and which in the view of some fall into the first type (i.e. those that are major kufr) and in the view of others fall into the second type (i.e. those that are minor kufr).

Having understood this, we now need to look at the issue of ruling by other than what Allaah has revealed, its various types and manifestations, and the ruling upon each one of them, and the views of the scholars concerning them.

THREE: Initially, ruling by other than what Allaah has revealed is from the minor kufr, just like taking ribaa', fornicating, stealing and the likes and it falls into the second category listed above. And this is the Ijmaa' of the Ummah.

And this has been reported from Ibn Abbaas and his associates – and the narrations in this regard are too famous to be mentioned – and it is also the general explanation of the Sahaabah

Ibn al-Qayyim said, “And this is the explanation (ta'weel) of Ibn 'Abbaas and the generality of the Companions regarding the speech of Allaah, **“And whoever does not judge by what Allaah has revealed, then they are the disbelievers”** (5:44). Ibn Abbaas said: “It is not the kufr that takes one out of the religion. Rather when he does it then it is only disbelief in that, and he is not like the one who disbelieves in Allaah and the Last Day”. And Taawoos said the same and Ataa said, “It is disbelief less than disbelief, oppression less than oppression and rebellion less than rebellion.” (Madaarij us-Saalikeen 1/344).

Ibn Qayyim al-Jawziyyah also said in his book 'As-Salaat wa Hukmu Taarikihaa' (pp.55-57): “As for ruling by other than what Allaah has revealed and abandoning the prayer, then it is from the kufr of action absolutely and it is not possible for the label of kufr to be negated from them after Allaah and His Messenger applied it to them.

Therefore, the ruler who judges by other than what Allaah has revealed is a kaafir (disbeliever) and the one who abandons the prayer is a kaafir (disbeliever) due to a textual [ruling] of the Messenger of Allaah (sallallaahu alaihi wasallam) – however, it is the kufr (disbelief) of action, not the kufr of belief. And it is impossible for Allaah, free is He from all imperfections, to name a ruler who judges by other than what Allaah has revealed a kaafir and [yet at the same time] not apply the label of kufr to him...”

Then later he said: “...And this detailed explanation (tafseel) is the saying of the Companions, those who are the most knowledgeable of the Ummah of the Book of Allaah, and of Islaam, Kufr and their attributes and manifestations. Therefore, [the understanding] of these matters are not to be acquired except from them, since those of later times did not understand their intent and therefore, became divided into two groups: i) a group who expelled [others] from the religion due to major sins and judged that those guilty of such sins would remain in the fire eternally ii) a group who made them [the sinners] as believers, having perfect eemaan!!

Therefore, the first have exaggerated and the latter ones have turned away.

And Allaah guided the Ahl us-Sunnah to the most exemplary path and most balanced saying which compared to the various schools of thought is like Islaam compared to the other religions. So there is the lesser kufr (kufr doon kufr), the lesser nifaaq (nifaaq doon nifaaq), the lesser shirk (shirk doon shirk) the lesser fusooq (fusooq doon fusooq) and the lesser dhulm (dhulm doon dhulm).”

Then he mentioned the narrations reported from the Salaf in explanation of His, the Most High’s saying, “And whoever does not judge by what Allaah has revealed, they are the disbelievers.” (5:44) – so he [Ibn al-Qayyim] said, “From Ibn ‘Abbaas – with numerous chains of narration – from Taawoos and ‘Ataa that this ruling [referred to in this verse] is the lesser kufr (kufr doon kufr)... then he said: “And this is clear and evident in the Qur’aan for the one who understands it, for Allaah – free is He from imperfection – has called the ruler who judges by other than what Allaah has revealed a kaafir (disbeliever) and also called the one who resisted and opposed (jaahid) what He revealed to His Messenger a kaafir (disbeliever). But these two [types of] kufr are not the same...” End quote from Ibn al-Qayyim.

And Shaikh ul-Islaam also quotes the view of Ibn ‘Abbaas regarding his verse on 4 different occasions in his book Kitaab ul-Imaan, quoting also the statements of the associates of Ibn ‘Abbaas, affirming and corroborating all of that. And Ibn al-Qayyim also quotes the view of Ibn ‘Abbaas as being the tafseel of the generality of the Companions as occurs in his Kitaab us-Salaat, following his declaring ruling by other than what Allaah has revealed to be from the kufr of action only (minor kufr) which has been quoted above.

Despite that, a new breed of hidden Kharijites have emerged who have attempted to dispute all of this and make it subject to debate and contention.

Shaikh Ibn Uthaimeen said, ‘Shaikh al-Albaanee has used this athar (narration) of Ibn ‘Abbaas (radiallaahu anhu) as proof, and likewise other Ulamaa have taken this athar with acceptance, even there is in its chain of narration what there is¹. Nevertheless, they have taken it with acceptance, due to its truthfulness in its reality, as indicated in many texts. For the Prophet (sallallaahu alaihi wasallam) said, “Reviling a Muslim is fusooq (sinfulness) and fighting him (to kill him) is kufr”, yet despite this, his fighting against him does not expel a person from the religion, for the Most High has said, “And if two parties from amongst the Believers fight each other, then reconcile between them...” up until he said, “...Verily the Believers are brothers, so reconcile between your two (sets of) brothers”. However, when this did not please those who have been put to trial (maftooneen) with takfir, they began to say, “This narration is not acceptable! It is not authentically related from Ibn ‘Abbaas!” So it is said to them, how can it not be authentic when it has been accepted and adopted by those who are greater than you and more knowledgeable of you of hadeeth?! And you say, “We shall not accept it”. If we were to accept that the matter was as you said (i.e. that we should not accept this athar), that it is not authentic from Ibn ‘Abbaas! Then we have many other texts that indicate that kufr can be applied to something without the kufr that expels from the religion being intended by that, such as what occurs in the verse mentioned before and also as occurs in his (sallallaahu alaihi wasallam’s) saying, “There are affairs in my Ummah which are kufr: reviling the genealogy and wailing of the dead”. And we do not expel these from the Ummah. However, the affair is as it has been said, “A paucity in knowledge, and paucity in understanding the general principles (qawaa’id) of the Sharee’ah – as Shaikh al-Albaanee has said, may Allaah grant him success, in the beginning of his words – is what brings about this misguidance. And then there is another matter and this is the evil intent which often brings about this evil understanding, because when a person desires something, it will lead his understanding to that which he actually desires, and then he will make tahreef (distort) the texts based upon that. And from the well known principles of the Ulamaa’, is that they say, “Seek evidence then believe, but do not believe (first) and then seek evidence (to support that belief), and as a result, go astray”. Hence the causes are three a) paucity of Sharee’ah knowledge b) paucity of understanding of the Sharee’ah principles c) an evil understanding that is based upon an evil intent. As for the athar (narration of Ibn ‘Abbaas) itself, which has been mentioned previously, then it is sufficient for us that the most learned and skilled of the Ulamaa like Shaikh ul-Islaam Ibn Taymiyyah and Ibn al-Qayyim, and others, then all of them have taken it with acceptance, and they speak by it, and they quote it, hence the narration is authentic.” (Fitnah of Takfir, p. 63-64).

And hence what has been reported from Ibn ‘Abbaas, in the various narrations from him and also from Ikrimah, Ataa and Tawus and others, then all of that is established and is the explanation of the companions in general and this has been transmitted through the Ummah, being accepted and adopted all along, up until our times. The narrations in this regard are too numerous to mention, but just as a sample:

Allaamah Ibn al-Qayyim (d. 751H) said: “And it is correct that judging by other than what Allaah has revealed is both types of kufr (disbelief) - kufr asghar (the minor disbelief) and

¹ Alluding to weakness in one of the routes of transmission.

kufr akbar (the major disbelief) - and [which of the two it is] depends on the condition of the ruler. If he believes in the obligation of judging by what Allaah has revealed in this situation but turned away from it - out of disobedience - and while acknowledging that he is deserving of punishment then this is kufr asghar. And if he believes that it is not obligatory and that he has a choice in the matter along with his firm belief that it is the judgement of Allaah - then this is kufr akbar - and if was ignorant in the matter or made an error then he is one who errs (mukhtee') and his ruling is as the same for those who err (i.e. one reward). (Madaarij us-Saalikeen 1/337)

Shaikh Abdur-Rahmaan as-Sa'dee (d. 1376H) said: "Judging by other than what Allaah has revealed is among the actions of the People of Disbelief - and it can also take one outside of the religion. And that is when he believes in its legality and its permissibility. And it can sometimes be one of the major sins and from the actions of disbelief - the one who is guilty of it will receive a heavy punishment - and He said: "And whoever does not judge by what Allaah has revealed, then they are the wrongdoers (dhaalimoon)." Ibn Abbaas said: "Kufr less than kufr and dhulm less than dhulm and fisq less than fisq. It is dhulm akbar when it is declared permissible but it is a great sin when it is done without declaring it permissible." [Tayseer al-Kareem ar-Rahmaan 2/296-297]

Imaam Ibn al-Jawzee (d. 596H) said: "And the decisive speech in this regard is that whoever does not judge by what Allaah has revealed - while rejecting it [in belief] {jahahda) and he knows that it is Allaah who revealed it - as the Jews did - then he is a disbeliever. And whoever does not judge by what Allaah has revealed - inclining to his desires without rejecting it [in belief] then he is a dhaalim, faasiq and it has been reported from Alee bin Abu Talhah from Ibn Abbaas that he said: "Whoever rejects (jahada) what Allaah has revealed then he has disbelieved, and whoever affirms it (aqarra bihi) but does not judge by it - then he is a dhaalim, a faasiq." (Zaad al-Maysir 2/366)

Shaikh Muhammad Ameen ash-Shanqeetee (d. 1393H) said: "Know that the liberating stance in this topic is that kufr, dhulm and fisq, all of them can be used in the legislation with the intent of 'disobedience' at one time and with the intent of kufr that ejects from the religion another time'. And whoever does not judge by what Allaah has revealed, turning away and contradicting the Messenger (sallallaahu alaihi wasallam) and nullifying the rulings (ahkaam) of Allaah, then his dhulm, fisq, and kufr - all of them are disbelief that eject from the religion. And whoever does not judge by what Allaah has revealed, whilst believing that he is committing a forbidden action and doing a reprehensible action, then his kufr, dhulm and fisq does not eject him from the religion. (Adwaa al-Bayaan 2/104)

Imaam ibn Abee Izz al-Hanafee (d. 792H) said: "And there is a matter which it is necessary to comprehend well - that ruling by other than what Allaah has revealed can sometimes be kufr that ejects from the religion and sometimes a major or minor sin - or it can be 'metaphorical kufr' (kufran majaaziyyan) or 'minor kufr' - and this is in accordance with the state of the ruler. If he believes that ruling by other than what Allaah has revealed is not waajib and that he has a choice in the matter - or if he despises it - while having conviction that it is the rule of Allaah, then this is the major kufr. And if he believes in the

obligation to rule by what Allaah has revealed and in this [particular] incident [he knows it to be the rule of Allaah] but he turns away from it - whilst acknowledging that he deserves punishment then he is a disobedient person and he is termed a disbeliever with the metaphorical type of kufr or the minor type of kufr. (Sharh Aqeedat it-Tahaawiyyah p. 363)

All of this indicates the “tafseel” (distinction, detail) of the Salaf on this issue, in that they distinguish between the kufr of belief (al-kufr al-I’tiqadee) and the kufr of action (al-kufr al-‘amali, or otherwise al-kufr al-asghar, the minor kufr). In opposition to this is the “itlaaq” (absolution, generalisation) that the Khawaarij fall into, and who do not adhere to this tafseel in order to arrive at the judgement of takfir. And they are the ones that Shaikh Ibn Uthaimeen alluded to, those who wish to nullify the tafseel of the Salaf and to reject the explanation of Ibn ‘Abbaas and his associates. As for a detailed analysis of the chains of narration of these athaar, then that has been performed by the Muhaddith, Imaam al-Albaani, and others, and the athar of Ibn ‘Abbaas are actually saheeh and hasan due to the supporting narrations. **It is fruitless to debate this with the ignoramuses who have emerged in the current times and tried to make this matter subject to debate.**² For they have nothing to stand upon, are ignorant and what Shaikh Ibn Uthaimeen has said in reply to them is a perfect, comprehensive answer, and it should not be exceeded.

Question 19: The abovementioned Tafseel that has been alluded to, what is its scope and what is it in reference to?

We clearly need to define here what is the scope of this Ijmaa’ (referred to above), and what does it relate to. This is when a ruler in an instance when he judges between two people in a dispute, does not judge with what is correct and judges in the favour of the wrong person – either due to intending oppression to that person (dhulm) or due to sin (fisq). So here he opposes the correct judgement that would be necessitated by the Book and the Sunnah and judges in the favour of the wrong person, deliberately, with a judgement that is wrong. Now, if a person does this once, or ten times, or a hundred times, or for a whole lifetime, this remains a major sin, and is counted as minor kufr.

Similarly, when someone judges by laws, or customs, or habits, or whatever it may be, outside of the Book and the Sunnah, then this too falls into the second category listed above – and the scholars require Istihlaal or I’tiqaad or Juhood and the likes, before making takfir. And included within this is judging by the secular laws of today (or those of the past!). This also comes under the scope of the abovementioned Ijmaa’. Hence,

² And amongst such ignorant pretenders in the West is one by the name of Abu Hudhayfah Yusuf al-Kanadie who is most appropriately and perfectly described by Shaikh Ibn Uthaimeen in what has been quoted above from him. Some time last year (2000) after his chits were set ablaze when we made the Anbari Papers available, he wrote a 112 page document attempting to refute the aqeedah of Ahl us-Sunnah and to replace it with his own Kharijite aqeedah which he imbibed from Sayyid Qutb, Mohammad Qutb and Safar al-Hawali. But he made a complete fool of himself and whoever wishes to see his foolishness being serialised may refer to GRV070007, GRV070008, GRV070009, GRV070011. In addition, his treachery, deceit, charlatanism and lies will be made apparent in a detailed treatment on the aathaar of Ibn ‘Abbaas on this topic, inshaa’llaah, in the continuation of exposing his foolishness.

irrespective of whether what is judged by, whether it is a ancestral custom, or a transmitted habit, or a law of another land or culture or nation, or if you like “secular” laws – then all of that comes under what is considered to be other than what Allaah has revealed, and hence judging by it comes under the tafseel of the Salaf alluded to earlier.

Shaikh ul-Islaam Ibn Taymiyyah said, **There is no doubt that the one who does not believe (i'taqada) in the obligation to rule by what Allaah has revealed is a disbeliever. Hence, whoever declares it permissible (istahalla) to judge amongst the people with what he considers to be justice, without following what Allaah has revealed, then he is a disbeliever. There is no nation except that it orders ruling with justice. And sometimes justice, as perceived by its senior leaders, can exist in its religion. Many of those who ascribe themselves to Islaam judge by their customs that Allaah has not revealed, such as the ancestral customs of the bedouins. And the chiefs (umaraa) were obeyed (in this) and they used to consider that it is desirable to judge by these such customs, without the Book and the Sunnah. And this is disbelief. For many people have accepted Islaam but along with this they do not judge except by their natural [inherited] customs, those that are ordered by those whom they obey. So if they know ('arafoo) that it is not permissible to judge except by what Allaah has revealed and did not adhere to that, but in fact declared it to be lawful (istahalloo) for themselves to judge in opposition to what Allaah has revealed, then they are disbelievers. And if not [i.e. did not declare it lawful for themselves] then they are [merely] ignorant people – as has preceded about them**” Minhaaj us-Sunnah (5/130)

Then there is the saying of the Allaamah, Shaikh Abdul-Lateef bin Abdur-Rahmaan Aal ash-Shaikh, “...and it is forbidden to pass judgement (tahkeem) when the judgement is based upon a false (baatil) Sharee'ah which opposes the Book and the Sunnah, **such as the laws of the Greeks (Ahkaam Yoonaan) and those of Europe, and those of the Tartars, and their various legislative codes (qawaaneen) the source of which are their own opinions and desires. Similar to this are the various cultural and customary practices of the Bedouins.** Hence, whoever made it lawful to judge (istahalla) by [any of] this in the issues pertaining to blood, or other than it is a Kaafir. Allaah the Most High said, **“And whosoever does not judge by what Allaah has revealed, they are the Unbelievers”** (5:44). And concerning this verse, some of the Mufasssiroon have said that the kufr intended here is the kufr that is lesser than the Major kufr (kufr doona kufr al-akbar), because they understood that this verse applies to whoever judges by other than what Allaah has revealed but does not make that lawful (ghayr mustahill). But they do not dispute amongst themselves regarding its application in general to the mustahill (one who makes it lawful), and that the kufr in this case is the one that expels from the religion.” (Minhaaj ut-Ta'sees, p.71).

The saying of Shaikh Ibn Ibraaheem in his Fataawaa (1/80) dated 9/1/1385H – five years after Tahkim ul-Qawanin was published: “And likewise, the implementation of the meaning of ‘Muhammad is the Messenger of Allaah’ is by judging to his Shari'ah and confining oneself to that whilst rejecting whatever opposes it from the secular laws and all those matters for which Allaah gave no authority. And the one who judges by them (hakama bihaa) or refers to them (haakama ilaihaa) - for judgement **whilst believing in**

the correctness (sihhah) of that or the permissibility (to judge by them) (jawaaz), then he is a kaafir with the kufr that ejects from the religion. And if he does that without belief (I'tiqaad) in their correctness and (regarding it) permissible to judge by them (jawaaz), then he is a kaafir with the kufr in action, which does not eject from the religion."

And Imaam Ibn Baaz said, "And whoever ruled by other than what Allaah has revealed (i.e. the secular laws) then he will not be in other than one of four situations:

- 1) The one who says: 'I rule by this because it is superior to the Sharee'ah of Islaam.' Such a one is disbeliever in the sense of the major disbelief
- 2) The one who says: 'I rule by this because it is like the Sharee'ah of Islaam, so ruling by it is permissible and ruling by the Sharee'ah is permissible'. Such a one is a disbeliever in the sense of the major disbelief.
- 3) The one who says: 'I rule by this and ruling by the Sharee'ah of Islaam is superior but ruling by other than what Allaah has revealed is permissible (jaa'iz).' Such a one is a disbeliever in the sense of major disbelief.
- 4) The one who says: 'I rule by this' while he believes that ruling by other than what Allaah has revealed is not permissible and who says that 'the Sharee'ah of Islaam is superior and it is not permissible to rule by other than it' but he is neglectful, or treats matters lightly, or does this action due to a reason which proceeds from his rulers, then he is a disbeliever in the sense of minor disbelief which does not eject from the religion - and it is considered one of the greatest of major sins."

(Al-Hukmu bi-Ghairi Maa Anzalallaahu wa Usool ut-Takfeer p. 71/72)

Imaam Ibn Baaz was also asked, "What is the ruling upon [judging] by secular law [al-qawanin al-wad'iyyah]? And is it permissible to enact them? And does a ruler become a disbeliever by instituting these laws [sannihi lihadhihil-qawanin]?"

Shaikh Bin Baz's answer: "When these laws are in agreement with the Shar'iah then there is no harm in that, such as when he institutes laws regarding the paths [of travel] and streets and other things which benefit the people and in which there is no opposition to the Shari'ah, - and [when] these things assist in the smooth running of the affairs, then there is no harm in them. As for those laws which oppose the Shari'ah then no [it is not permissible]. When he institutes these laws, the meaning of this is that there would be no hadd punishment for the fornicator and nor any punishment for the thief or the one who takes intoxicants. This is falsehood, and these laws are falsehood. When the one in charge declares them to be permissible (istahallahaa), then he has disbelieved, when he states (qaala) that they are lawful (halaal), and there is no harm in them, this is what becomes kufr (disbelief). Whoever declares to be lawful (istahalla) what Allaah has made unlawful has disbelieved". (Muraaji'aat Fi Fiqh ul-Waqi' as-Siyasi wal-Fikri (12) by 'Abdullaah ar-Rifa'ee)

So all of this is clear that ruling by the secular laws, in greater or smaller amounts, still falls within the confines of the tafseel of the Salaf on the issue of ruling by other than what Allaah has revealed and that it can fall in between the major kufr and the minor kufr depending on the state and condition of the ruler (or other than him) in terms of belief and action.